

NOTICE OF FILING

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File Title:	JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink that reads "Sia Lagos".

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



Defence of the First Respondent

No. NSD950 of 2025

Federal Court of Australia
District Registry: New South Wales
Division: Human Rights

Joseph Toltz and others

Applicants

Nick Riemer and another

Respondents

In response to the Further Amended Statement of Claim filed by the Applicants filed on 30 July 2026 (**FASOC**), the First Respondent (adopting the terms defined in the FASOC) pleads as follows.

In accordance with general principles and usual practice, the First Respondent does not plead to particulars in the FASOC, and nothing in this Defence should be taken to be an admission of any fact or matter alleged in those particulars unless stated otherwise.

Jurisdiction

1. The First Respondent admits paragraph 1.

Parties

2. The First Respondent admits paragraph 2.
3. Save that the First Respondent denies that the First Applicant is employed as a researcher at Sydney University, and subject to the pleading in paragraph 8 below, he admits paragraph 3.
4. The First Respondent admits paragraph 4, subject to the pleading in paragraph 8 below.
5. The First Respondent admits paragraph 5, subject to the pleading in paragraph 8 below.
6. The First Respondent admits paragraph 6, subject to the pleading in paragraph 8 below.
7. The First Respondent admits paragraph 7, subject to the pleading in paragraph 8 below.

Filed on behalf of (name & role of party)	Nick Riemer, First Respondent		
Prepared by (name of person/lawyer)	Michael Bradley		
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8. In response to paragraph 8, the First Respondent:
 - (a) admits that for the purposes of the *Racial Discrimination Act* 1975 (Cth), Jewish persons constitute a group of people with a shared ethnic origin; and
 - (b) otherwise denies paragraph 8.
9. Save that the First Respondent:
 - (a) admits that Israel is a nation state and that it proclaims itself to be the national home of and for Jewish people; and
 - (b) admits that citizens of Israel are mostly Jewish people,
he otherwise does not know and cannot admit the allegations in paragraph 9.
10. In response to paragraph 10, the First Respondent:
 - (a) admits that Zionism is a belief based on legal/political grounds and that Zionists hold the belief on legal/political grounds;
 - (b) says further that Zionism is a philosophy or ideology subscribed to by many non-Jewish people as well as by a proportion of Jewish people;
 - (c) otherwise denies the allegations in paragraph 10(a); and
 - (d) does not know and cannot admit the allegations in paragraph 10(b).
11. In response to paragraph 11 the First Respondent:
 - (a) admits paragraph 11(a);
 - (b) admits paragraph 11(b);
 - (c) denies paragraph 11(c).
12. The First Respondent admits paragraph 12.

Dr Riemer's X (Twitter) and Facebook Pages

13. The First Respondent admits paragraph 13.
14. The First Respondent admits paragraph 14.
15. The First Respondent admits paragraph 15.
16. The First Respondent admits paragraph 16.
17. Save that the term "endorses" is vague, embarrassing and not defined, and that he denies the allegation that he "endorses" every aspect of every item of the material contained in links which are included in publications on his X page, the First Respondent admits paragraph 17.
18. The First Respondent admits paragraph 18.

19. The First Respondent admits paragraph 19.
20. The First Respondent admits paragraph 20.

The first and second intifadas

21. The First Respondent denies paragraph 21.
22. Save that the First Respondent admits that the first intifada began in December 1987 and ended in September 1993 and that the second intifada began in December 2000 and had run its course by 2005, he otherwise denies the allegations in paragraph 22.
23. [Removed.]
24. [Removed.]
25. [Removed.]
- 23A. The First Respondent objects to paragraph 23A on the grounds that it is vague and embarrassing. Under cover of that objection, the First Respondent:
 - (a) admits that the second intifada was more violent than the first intifada;
 - (b) admits that the second intifada involved suicide bombings;
 - (c) says that around 1,000 Israelis died in the second intifada;
 - (d) otherwise denies each and every allegation in paragraph 23A, but if it is proved, he says further that:
 - i. the factual assertions alleged in paragraphs 23A(a), (b) and (c) of the FASOC (save in respect of the admissions above) and the beliefs alleged are products of political propaganda which are endorsed and propagated by the State of Israel through its Hasbara operations and by pro-Israel groups;
 - ii. one purpose of these propagation efforts is to cause Jewish and Israeli people to believe these assertions, whether or not they are true, uncertain and/or contested;
 - (e) says that, in the event a sufficiently significant proportion of Jewish and Israeli persons in Australia believe the assertions alleged in paragraph 23A, then they must also be aware and believe, or ought to be aware and believe, that the history of the conflict, occupation and resistance in the region is elaborate and contested.

Particulars

The First Respondent refers to the following matters of historical record, which are not reflected in paragraph 23A of the FASOC:

- i. the first intifada began on 9 December 1987, after an Israeli military truck hit and killed four Palestinian workers in Gaza. It began 20 years into Israel's military occupation and construction and expansion of illegal settlements in the Occupied Palestinian Territory (OPT);
- ii. as Israeli human rights organisation, B'Tselem, has reported, during the first intifada:
 - 1. Israeli forces killed 1,070 Palestinians in the OPT, of whom 237 were children under the age of 17;
 - 2. Israeli civilians killed 54 Palestinians in the OPT, of whom 13 were children under the age of 17;
 - 3. Israeli forces killed 17 Palestinians within the Green Line (i.e., Israel's de facto borders until 1967);
 - 4. Israeli civilians killed 21 Palestinians within the Green Line;
- iii. as the Institute for Middle East Understanding (IMEU) has reported, during the first intifada, 100,000 Palestinians were injured, including from gunshots, beatings, and tear gas inhalation;
- iv. as reported by Save the Children, at least 6,500 children were shot and injured by Israeli soldiers during the first intifada;
- v. as reported by the Washington Report on Middle East Affairs, approximately 120,000 Palestinians were arrested and spent time in Israeli jails during the first intifada;
- vi. on 7 December 1987, the United Nations General Assembly (UNGA) adopted Resolution 42/95, which stated among other things that the UNGA:

“Reaffirming its faith in the importance of the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in its resolution 1514 (XV) of 14 December 1960,

Reaffirming the importance of the universal realization of the right of peoples to self-determination, national sovereignty and territorial integrity and of the speedy granting of independence to colonial countries and peoples as imperatives for the full enjoyment of all human rights,

Reaffirming the obligation of all Member States to comply with the principles of the Charter of the United Nations and the resolutions of the United Nations regarding the exercise of the right to self-determination by peoples under colonial and foreign domination...

... *Considering* that the denial of the inalienable rights of the Palestinian people to self-determination, sovereignty, independence and return to Palestine and the repeated acts of aggression by Israel against the people of the region constitute a serious threat to international peace and security...

... 1. *Calls upon* all States to implement fully and faithfully all the resolutions of the United Nations regarding the exercise of the right to self-determination and independence by peoples under colonial and foreign domination;

2. *Reaffirms* the legitimacy of the struggle of peoples for their independence, territorial integrity, national unity and liberation from colonial domination, *apartheid* and foreign occupation by all available means, including armed struggle;

3. *Reaffirms* the inalienable right of the Namibian people, the Palestinian people and all peoples under foreign and colonial domination to self-determination, national independence, territorial integrity, national unity and sovereignty without foreign interference;

4. *Strongly condemns* those Governments that do not recognize the right to self-determination and independence of all peoples still under colonial domination and alien subjugation, notably the peoples of Africa and the Palestinian people;

5. *Calls* for the full and immediate implementation of the declarations and programmes of action on Namibia and on Palestine adopted by the international conferences on those questions;...

...21. *Strongly condemns* the continued violation of the human rights of the peoples still under colonial domination and alien subjugation, the continuation of the illegal occupation by the racist minority régime in southern Africa and the denial to the Palestinian people of their inalienable national rights...

... 25. *Denounces* the collusion between Israel and South Africa and expresses support for the Declaration of the International Conference on the Alliance between South Africa and Israel...

... 35. *Strongly condemns* the constant and deliberate violations of the fundamental rights of the Palestinian people, as well as the expansionist activities of Israel in the Middle East, which constitute an obstacle to the

achievement of self-determination and independence by the Palestinian people and a threat to peace and stability in the region;

36. *Demands* the immediate and unconditional release of all persons detained or imprisoned as a result of their struggle for self-determination and independence, full respect for their fundamental individual rights and compliance with article 5 of the Universal Declaration of Human Rights,^{13/} under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment;

- vii. on 8 December 1987, the UNGA adopted Resolution 42/160 which stated that the UNGA:

“A...

1. *Calls upon* Israel to release all Arabs arbitrarily detained or imprisoned as a result of their struggle for self-determination and for the liberation of their territories;

2. *Notes* the initial release of Palestinian prisoners on 20 May 1985;

3. *Deplores* the Israeli subsequent arbitrary detention or imprisonment of hundreds of Palestinians, and demands that the Government of Israel, the occupying Power, rescind its action against the detainees and imprisoned Palestinians and release them immediately...

B...

1. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem;

2. *Condemns once again* the failure of Israel, the occupying Power, to acknowledge the applicability of the Convention to the territories it has occupied since 1967, including Jerusalem;

3. *Strongly demands* that Israel acknowledge and comply with the provisions of the Convention in the Palestinian and other Arab territories it has occupied since 1967, including Jerusalem...

4. *Urgently calls upon* all States parties to the Convention to exert all efforts in order to ensure respect for and compliance with its provisions in the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem...

C...

... *Expressing grave anxiety and concern* at the present serious situation in the Palestinian and other occupied Arab territories, including Jerusalem, as a result of the continued Israeli occupation and the measures and actions taken by Israel, the occupying Power, designed to change the legal status, geographical nature and demographic composition of those territories;

1. *Determines* that all such measures and actions taken by Israel in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, are in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and constitute a serious obstacle to the efforts to achieve a comprehensive, just and lasting peace in the Middle East and therefore have no legal validity;

2. *Strongly deplores* the persistence of Israel in carrying out such measures, in particular the establishment of settlements in the Palestinian and other Arab territories, including Jerusalem;

3. *Demands* that Israel comply strictly with its international obligations in accordance with the principles of international law and the provisions of the Geneva Convention...

4. *Demands once more* that Israel, the occupying Power, desist forthwith from taking any action which would result in changing the legal status, geographical nature or demographic composition of the Palestinian and other Arab territories occupied since 1967, including Jerusalem;

D...

...6. Declares once more that Israel's grave breaches of [the Geneva Convention] are war crimes and an affront to humanity...

...8. *Strongly condemns* the following Israeli policies and practices:

(a) Annexation of parts of the occupied territories, including Jerusalem...

...(d) Establishment of new Israeli settlements and expansion of the existing settlements on private and public Arab lands, and transfer of an alien population thereto;

(e) Eviction, deportation, expulsion, displacement and transfer of Arab inhabitants of the occupied territories and denial of their right to return;

(f) Confiscation and expropriation of private and public Arab property in the occupied territories and all other transactions for the acquisition of land

involving the Israeli authorities, institutions or nationals on the one hand and the inhabitants or institutions of the occupied territories on the other;

(g) Excavation and transformation of the landscape and the historical, cultural and religious sites, especially at Jerusalem;

(h) Pillaging of archaeological and cultural property;

(i) Destruction and demolition of Arab houses;

(j) Collective punishment, mass arrests, administrative detention and ill-treatment of the Arab population;

(k) Ill-treatment and torture of persons under detention;

(l) Interference with religious freedoms and practices as well as family rights and customs;

(m) Interference with the system of education and with the social and economic and health development of the population in the Palestinian and other occupied Arab territories;

(n) Interference with the freedom of movement of individuals within the Palestinian and other occupied Arab territories;

(o) Illegal exploitation of the natural wealth, resources and population of the occupied territories;

9. *Strongly condemns*, in particular, the following Israeli policies and practices:

(a) Implementation of an "iron fist" policy against the inhabitants of the occupied territories since 4 August 1985;

(b) Ill-treatment and torture of children and minors under detention and/or imprisonment...

...(d) Interference with the freedom of the press, including censorship, closure and suspension of newspapers and magazines;

(e) Killing and wounding of defenceless demonstrators;

(f) House and/or town arrests...

... 11. *Strongly condemns* the arming of Israeli settlers in the occupied territories to commit acts of violence against Arab civilians and the perpetration of acts of violence by these armed settlers against individuals, causing death and injury and wide-scale damage to Arab property..."

- viii. On 11 December 1987, the UNGA adopted Resolution 42/209B which stated that the UNGA:

“Welcoming all efforts contributing towards the realization of the inalienable rights of the Palestinian people through the achievement of a comprehensive, just and lasting peace in the Middle East, in accordance with the United Nations resolutions relating to the question of Palestine and to the situation in the Middle East,

Welcoming the world-wide support extended to the just cause of the Palestinian people and the other Arab countries in their struggle against Israeli aggression and occupation in order to achieve a comprehensive, just and lasting peace in the Middle East and the full exercise by the Palestinian people of its inalienable national rights, as affirmed by previous resolutions of the General Assembly on the question of Palestine and on the situation in the Middle East,

Gravely concerned that the Palestinian and other Arab territories occupied since 1967, including Jerusalem, still remain under Israeli occupation, that the relevant resolutions of the United Nations have not been implemented and that the Palestinian people is still denied the restoration of its land and the exercise of its inalienable national rights in conformity with international law, as reaffirmed by resolutions of the United Nations...

...Gravely concerned also at the continuing Israeli policies involving the escalation and expansion of the conflict in the region, which further violate the principles of international law and endanger international peace and security...

...8. Condemns Israel's aggression, policies and practices against the Palestinian people in the occupied Palestinian territories and outside these territories, including expropriation, establishment of settlements, annexation and other terrorist, aggressive and repressive measures, which are in violation of the Charter and the principles of international law and the relevant international conventions...

... 11. Calls once more upon all States to put an end to the flow to Israel of any military, economic, financial and technological aid, as well as of human resources, aimed at encouraging it to pursue its aggressive policies against the Arab countries and the Palestinian people;

12. Strongly condemns the continuing and increasing collaboration between Israel and the racist régime of South Africa, especially in the

economic, military and nuclear fields, which constitutes a hostile act against the African and Arab States and enables Israel to enhance its nuclear capabilities, thus subjecting the States of the region to nuclear blackmail;

- ix. On 11 December 1987, the UNGA adopted Resolution 42/190, stating that the UNGA:

Gravely alarmed by the continuation of the Israeli settlement policies, which have been declared null and void and a major obstacle to peace...

...3. *Rejects* the Israeli plans and actions intended to change the demographic composition of the occupied Palestinian territories, particularly the increase and expansion of the Israeli settlements, and other plans and actions creating conditions leading to the displacement and exodus of Palestinians from the occupied Palestinian territories;

4. *Expresses its alarm* at the deterioration, as a result of the Israeli occupation, in the living conditions of the Palestinian people in the Palestinian territories occupied since 1967;

5. *Affirms* that the Israeli occupation is contradictory to the basic requirements for the social and economic development of the Palestinian people in the occupied Palestinian territories”

- x. on 22 December 1987, the United Nations Security Council (**UNSC**) adopted Resolution 605, stating that the UNSC:

“*Gravely concerned* and alarmed by the deteriorating situation in the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem,

Taking into account the need to consider measures for the impartial protection of the Palestinian civilian population under Israeli occupation,

Considering that the current policies and practices of Israel, the occupying Power, in the occupied territories are bound to have grave consequences for the endeavours to achieve comprehensive, just and lasting peace in the Middle East,

1. Strongly deplores those policies and practices of Israel, the occupying Power, which violate the human rights of the Palestinian people in the occupied territories, and in particular the opening of fire by the Israeli army, resulting in the killing and wounding of defenceless Palestinian civilians;

2. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the

Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem;

3. *Calls once again upon* Israel, the occupying Power, to abide immediately and scrupulously by the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to desist forthwith from its policies and practices that are in violation of the provisions of the Convention...”

- xi. on 5 January 1988, the UNSC adopted Resolution 607, stating that the UNSC:

‘Expressing grave concern over the situation in the occupied Palestinian territories,

Having been apprised of the decision of Israel, the occupying Power, to "continue the deportation" of Palestinian civilians in the occupied territories,

Recalling the Geneva Convention relative to the protection of civilian persons in time of war, of 12 August 1949, and in particular articles 47 and 49 of same,

1. *Reaffirms* once again that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to Palestinian and other Arab territories, occupied by Israel since 1967, including Jerusalem,

2. *Calls upon* Israel to refrain from deporting any Palestinian civilians from the occupied territories...’

- xii. on 14 January 1988, the UNSC adopted Resolution 608:

“Expressing its deep regret that Israel, the occupying Power, has, in defiance of that resolution, deported Palestinian civilians,

1. *Call[ing] upon* Israel to rescind the order to deport Palestinian civilians and to ensure the safe and immediate return to the occupied Palestinian territories of those already deported;

2. *Request[ing]* that Israel desist forthwith from deporting any other Palestinian civilians from the occupied territories...”

- xiii. on 3 November 1988, the UNGA adopted Resolution 43/21, which stated among other things that the UNGA;

“Aware of the uprising (intifadah) of the Palestinian people since 9 December 1987 against Israeli occupation, which has received significant attention and sympathy from world public opinion,

Deeply concerned at the alarming situation in the Palestinian territories occupied since 1967, including Jerusalem, as well as in the other occupied Arab territories, as a result of the continued occupation by Israel, the occupying Power, and of its persistent policies and practices against the Palestinian people,

Reaffirming that the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,^{1/} is applicable to all the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem,

Recalling its relevant resolutions as well as Security Council resolutions 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988 and 608 (1988) of 14 January 1988,

Recognizing the need for increased support and aid for, and solidarity with the Palestinian people under Israeli occupation,

Conscious of the urgent need to resolve the underlying problem through a comprehensive, just and lasting settlement, including a solution to the Palestinian problem in all its aspects,

1. *Condemns* Israel's persistent policies and practices violating the human rights of the Palestinian people in the occupied Palestinian territories, including Jerusalem, and, in particular, such acts as the opening of fire by the Israeli army and settlers that result in the killing and wounding of defenceless Palestinian civilians, the beating and breaking of bones, the deportation of Palestinian civilians, the imposition of restrictive economic measures, the demolition of houses, collective punishment and detentions, as well as denial of access to the media;

2. *Strongly deplores* the continuing disregard by Israel, the occupying Power, of the relevant decisions of the Security Council;

3. *Reaffirms* that the occupation by Israel of the Palestinian territories since 1967, including Jerusalem, in no way changes the legal status of those territories;

4. *Demands* that Israel, the occupying Power, abide immediately and scrupulously by the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and desist forthwith

from its policies and practices that are in violation of the provisions of the Convention...”

- xiv. the first intifada ended on around 13 September 1993 with the signing of the Oslo Accords;
- xv. as recorded in Article V of the Declaration of Principles on Interim Self-Government Arrangements and the Gaza-Jericho Agreement signed on 4 May 1994, the Oslo Accords required that, by 4 May 1999, a permanent settlement based on Security Council Resolutions 242 and 338 (requiring Israel to withdraw from the territories it occupied during the June 1967 war, including the West Bank, East Jerusalem, and Gaza and a just solution to the Palestinian refugee problem) be achieved;
- xvi. no permanent settlement was achieved by 4 May 1999; instead, as reported by B’Tselem, between 1993 and 2000, Israel almost doubled the number of illegal settlers in the OPT to 380,000;
- xvii. as B’Tselem has reported, between the end of the first intifada and the start of the second intifada:
 - 1. Israeli forces killed 306 Palestinians in the OPT, including 44 children under the age of 17;
 - 2. Israeli civilians killed 61 Palestinians in the OPT, including 10 children under the age of 17;
 - 3. Israeli forces and civilians killed 22 Palestinians within the Green Line;
- xviii. as Al-Jazeera has reported, the second intifada – also referred to by Palestinians as al-Aqsa Intifada — began after then-Israeli opposition leader Ariel Sharon stormed the al-Aqsa Mosque compound in occupied East Jerusalem with over 1,000 heavily armed police and soldiers on 28 September 2000;
- xix. as the IMEU has reported, in the first five days of the second intifada, Israeli forces killed at least 47 Palestinians and wounded another 2,000;
- xx. as reported by the United Nations Office for the Coordination of Humanitarian Affairs (**OCHA**), during the second intifada, Israeli forces killed between 3,000 and 4,000 Palestinians;
- xxi. on 7 October 2000, the UNSC adopted Resolution 1322 which stated:

“Deeply concerned by the tragic events that have taken place since 28 September 2000, that have led to numerous deaths and injuries, mostly among Palestinians,

Reaffirming that a just and lasting solution to the Arab and Israeli conflict must be based on its resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, through an active negotiating process,

Expressing its support for the Middle East peace process and the efforts to reach a final settlement between the Israeli and Palestinian sides and *urging* the two sides to cooperate in these efforts,

Reaffirming the need for full respect by all of the Holy Places of the City of Jerusalem, and *condemning* any behaviour to the contrary,

1. *Deplores* the provocation carried out at Al-Haram Al-Sharif in Jerusalem on 28 September 2000, and the subsequent violence there and at other Holy Places, as well as in other areas throughout the territories occupied by Israel since 1967, resulting in over 80 Palestinian deaths and many other casualties;

2. *Condemns* acts of violence, especially the excessive use of force against Palestinians, resulting in injury and loss of human life;

3. *Calls upon* Israel, the occupying Power, to abide scrupulously by its legal obligations and its responsibilities under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949;

4. *Calls for* the immediate cessation of violence, and for all necessary steps to be taken to ensure that violence ceases, that new provocative actions are avoided, and that the situation returns to normality in a way which promotes the prospects for the Middle East peace process...”

xxii. on 20 October 2000, the UNGA adopted Resolution ES-10/7, which stated that the UNGA:

“*Welcoming* the adoption by the Security Council of resolution 1322 (2000) of 7 October 2000, and stressing the urgent need for full compliance with the resolution,

Expressing its deep concern over the provocative visit to Al-Haram Al-Sharif on 28 September 2000 and the tragic events that followed in Occupied East Jerusalem and other places in the Occupied Palestinian Territory, which resulted in a high number of deaths and injuries mostly among Palestinian civilians,

Expressing its deep concern also over the clashes between the Israeli army and the Palestinian police and the casualties on both sides,

Reaffirming that a just and lasting solution to the Arab-Israeli conflict must be based on Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, through an active negotiation process which takes into account the right of security for all States in the region, as well as the legitimate rights of the Palestinian people, including their right to self-determination,

Expressing its support for the Middle East peace process and the efforts to reach a final settlement between the Israeli and the Palestinian sides, and urging the two sides to cooperate in these efforts,

Reaffirming the need for the full respect by all for the Holy Places of Occupied East Jerusalem, and condemning any behaviour to the contrary,

Reaffirming also the need for the full respect by all for the Holy Places in the rest of the Occupied Palestinian Territory, as well as in Israel, and condemning any behaviour to the contrary,

Determined to uphold the purposes and principles embodied in the Charter of the United Nations, international humanitarian law and all other instruments of international law, as well as relevant resolutions of the General Assembly and Security Council,

Reiterating the permanent responsibility of the United Nations for the question of Palestine until it is solved in all its aspects,

Conscious of the serious dangers arising from persistent violations and grave breaches of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the responsibility arising therefrom,

Stressing the urgent need for providing protection for the Palestinian civilians in the Occupied Palestinian Territory,

1. *Condemns* the violence that took place on 28 September 2000 and the following days at Al-Haram Al-Sharif and other Holy Places in Jerusalem as well as other areas in the Occupied Palestinian Territory, resulting in the deaths of over 100 people, the vast majority of whom were Palestinian civilians, and many other casualties;

2. *Condemns also* acts of violence, especially the excessive use of force by the Israeli forces against Palestinian civilians...

...4. *Demands* the immediate cessation of violence and the use of force, calls upon the parties to act immediately to reverse all measures taken in this regard since 28 September 2000, and acknowledges that necessary steps have been taken by the parties in this direction since the summit of Sharm el-Sheikh;

5. *Reiterates* that Israeli settlements in the Occupied Palestinian Territory, including Jerusalem, are illegal and are an obstacle to peace, and calls for the prevention of illegal acts of violence by Israeli settlers;

6. *Demands* that Israel, the occupying Power, abide scrupulously by its legal obligations and its responsibilities under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, which is applicable to all territories occupied by Israel since 1967..."

xxiii. on 24 September 2002, the UNSC adopted Resolution 1435:

"Reaffirming its resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002, 1402 (2002) of 30 March 2002 and 1403 (2002) of 4 April 2002, as well as the statements of its President, of 10 April 2002 and 18 July 2002,

Reiterating its grave concern at the tragic and violent events that have taken place since September 2000 and the continuous deterioration of the situation,

Condemning all terrorist attacks against any civilians, including the terrorist bombings in Israel on 18 and 19 September 2002 and in a Palestinian school in Hebron on 17 September 2002,

Gravely concerned at the reoccupation of the headquarters of the President of the Palestinian Authority in the City of Ramallah that took place on 19 September 2002 and demanding its immediate end,

Alarmed at the reoccupation of Palestinian cities as well as the severe restrictions imposed on the freedom of movement of persons and goods, and gravely concerned at the humanitarian crisis being faced by the Palestinian people,

Reiterating the need for respect in all circumstances of international humanitarian law, including the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

1. *Reiterates* its demand for the complete cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction;

2. *Demands* that Israel immediately cease measures in and around Ramallah including the destruction of Palestinian civilian and security infrastructure;
 3. *Demands* also the expeditious withdrawal of the Israeli occupying forces from Palestinian cities towards the return to the positions held prior to September 2000;
 4. *Calls* on the Palestinian Authority to meet its expressed commitment to ensure that those responsible for terrorist acts are brought to justice by it...”
- xxiv. as reported by B’Tselem, in June 2002, the Israeli cabinet determined to construct a separation barrier (**Wall**) in and around the West Bank and East Jerusalem, cutting them off from one another, and fragmenting the West Bank;
 - xxv. on 9 July 2004, the International Court of Justice delivered its Advisory Opinion concluding that the construction of the Wall was illegal;
 - xxvi. the Wall remains in place;
- (f) says that, in the premises, the beliefs alleged in paragraph 23A of the FASOC are not:
- i. reasonable; or
 - ii. reasonably held.

Hamas

26. The First Respondent objects to paragraph 26 on the basis that:

- (a) it is vague and incomplete; and
- (b) “Hamas” is a term not defined in the FASOC.

Under cover of that objection the First Respondent:

- a. admits that the entity known as Hamas, Harakat al-Muqawama al-Islamiya, Islamic Resistance Movement, Al-Tiar al-Islami or Al-Athja al-Islami (Hamas) was listed as a terrorist organisation for the purposes of division 102 of the Criminal Code on 4 March 2022; and
- b. says further that while Hamas had not been listed under the Criminal Code prior to 4 March 2022, the paramilitary wing of Hamas, the Izz al-Din al-Qassam Brigades, was first listed as a terrorist organisation under Australian law on 5 November 2003 and then re-listed on 4 August 2021. Since 2001, Australia has listed Hamas in its entirety as a terrorist entity for financial sanctions under part 4 of the *Charter*

of the *United Nations Act 1945* (Cth), as part of implementing United Nations Security Council Resolution 1373.

27. The First Respondent denies paragraph 27 and says further that:

- (a) it is a misrepresentation of the Statement of Reasons, the relevant paragraph of which reads:

“‘ Hamas’ overarching goal is to ‘liberate Palestine’ by establishing an independent Palestinian state — comprising Gaza, the West Bank and Israel — guided by Islamic principles, and destroying Israel as a political entity in the process”; and

- (b) it is improper, vexatious and embarrassing to plead that “destroying Israel” is an “Islamic principle”.

28. The First Respondent objects to paragraph 28 on the basis that it is vague, embarrassing and incomplete, including because it quotes inaccurately, selectively and misleadingly from the purported source material. Under cover of that objection, the First Respondent denies paragraph 28.

29. The First Respondent objects to paragraph 29 on the basis that it is vague, embarrassing and incomplete, including because it quotes inaccurately, selectively and misleadingly from the purported source material. Under cover of that objection, the First Respondent:

- (a) denies paragraph 29; and

- (b) says further that:

- i. on 1 May 2017, Hamas issued its “Document of General Principles and Policies” (its **Founding Charter**) articulating its political positioning;
- ii. Article 16 of the English version of the Founding Charter states that: “Hamas affirms that its conflict is with the Zionist project not with the Jews because of their religion. Hamas does not wage a struggle against the Jews because they are Jewish but wages a struggle against the Zionists who occupy Palestine. Yet, it is the Zionists who constantly identify Judaism and the Jews with their own colonial project and illegal entity”;
- iii. Article 17 of the English version of the Founding Charter states that: “Hamas rejects the persecution of any human being or the undermining of his or her rights on nationalist, religious or sectarian grounds. Hamas is of the view that the Jewish problem, anti-Semitism and the persecution of the Jews are phenomena fundamentally linked to European history and not to the history of the Arabs and the Muslims or to their heritage. The Zionist movement, which was able with the help of Western powers to

occupy Palestine, is the most dangerous form of settlement occupation which has already disappeared from much of the world and must disappear from Palestine”;

- iv. Article 20 of the English version of the Founding Charter states that:
 “ Hamas believes that no part of the land of Palestine shall be compromised or conceded, irrespective of the causes, the circumstances and the pressures and no matter how long the occupation lasts. Hamas rejects any alternative to the full and complete liberation of Palestine, from the river to the sea. However, without compromising its rejection of the Zionist entity and without relinquishing any Palestinian rights, Hamas considers the establishment of a fully sovereign and independent Palestinian state, with Jerusalem as its capital along the lines of the 4th of June 1967, with the return of the refugees and the displaced to their homes from which they were expelled, to be a formula of national consensus”.

29A. The First Respondent objects to paragraph 29A on the grounds that it is vague and embarrassing. Under cover of that objection, the First Respondent denies the allegations in this paragraph, but if it is proved he refers to and repeats paragraph 29 and says further that:

- (a) the factual assertions and beliefs alleged in paragraph 29A are products of political propaganda which are endorsed and propagated by the State of Israel through its Hasbara operations and by pro-Israel groups;
- (b) one purpose of these propagation efforts referred to in subparagraph (a) is to cause Jewish and Israeli people to believe these assertions whether or not they are true, uncertain and/or contested;
- (c) the beliefs alleged in paragraph 29A are not:
 - i. reasonable; or
 - ii. reasonably held.

Particulars

The First Respondent refers to the following matters of historical record, which are not reflected in paragraph 29A:

- i. Hamas was founded in 1987, shortly after the outbreak of the first intifada with the goal of liberating Palestine through armed struggle;
- ii. Hamas has operated as a resistance movement as well as a social movement and a governing political party;

- iii. in 2006, Hamas won a majority of seats in the legislative elections for the Palestinian Legislative Council;
- iv. in 2007, following Hamas' takeover of the Gaza Strip, Israel imposed a land, sea and air blockade on Gaza, limiting the number and categories of people and goods allowed in and out through the Israeli-controlled crossings;
- v. as Human Rights Watch has reported, Israel continued to control the Palestinian population registry for the Gaza Strip and the West Bank (including family reunification applications), thereby determining who is registered, who is a resident, who has access to a passport and identification cards (and therefore who is able to move internally and internationally);
- vi. as OCHA and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNWRA) have reported, as a result of the blockade, prior to 2023:
 - 1. around 2.1 million Palestinians were imprisoned within the Gaza Strip, an area of around 360 square kilometres;
 - 2. 81% of Gazans (71% of whom are Palestine refugees expelled from the lands surrounding the Gaza Strip in 1948), lived below the national poverty line;
 - 3. 80% of the population depended on humanitarian assistance;
 - 4. 1.3 million out of 2.1 million Palestinians in Gaza (62%) required food assistance;
 - 5. 78% of piped water in Gaza was unfit for human consumption;
 - 6. 31% of households in Gaza had difficulties meeting essential education needs such as tuition fees and books, due to lack of financial resources;
 - 7. Gaza's unemployment rate was around 46.6% (among the highest in the world);
- vii. as OCHA has reported, between 2008 and 7 October 2023, Israel conducted five military operations against the Gaza Strip, killing over 5,300 Palestinians;
- viii. on 30 March 2018 the weekly, non-violent, Great March of Return protests began, when Palestinian men, women and children demonstrated near

the perimeter fence separating Gaza from Israel to demand the end of the Israeli blockade and the right of return for refugees;

- ix. the Great March of Return lasted for 86 weeks until 27 December 2019 and as the UN has reported, Israeli forces killed 214 Palestinians, including 46 children, and injured 36,100 others, including around 8,800 children. One in five of those injured (over 8,000) were hit by live ammunition;
- x. 2023 marked the deadliest year on record for Palestinian children in the occupied West Bank; as of September 2023, 38 children had been killed;
- xi. Between January 2008 and September 2023, around 6,332 Palestinians had been killed.

Further particulars may be provided prior to trial.

7 October 2023

30. In response to paragraph 30, save that he objects to and does not plead to the term “illegally” as it pleads a conclusion of law, the First Respondent:

- (a) admits that Hamas members engaged in acts of violence, including killings of substantial numbers of Jewish or Israeli people, in Israel on 7 October 2023;
- (b) admits that approximately 1,200 people were killed in Israel on 7 October 2023, most of whom were Jewish or Israeli persons;
- (c) does not know and cannot admit the number of those approximately 1,200 people who were killed by Hamas members;
- (d) does not know and cannot admit whether or how many people were raped, maimed, sexually abused or tortured on 7 October 2023; and
- (e) otherwise denies the allegations.

31. The First Respondent admits paragraph 31.

31A. The First Respondent objects to paragraph 31A on the grounds that it is vague and embarrassing. Under cover of that objection, the First Respondent admits that there has been an increase in hatred of Jews qua Jews (**antisemitism**) in Australia since 7 October 2023 and otherwise denies the allegations in paragraph 31A.

32. [Removed.]

32A. The First Respondent objects to paragraph 32A on the grounds that it is vague and embarrassing. Under cover of that objection, the First Respondent:

- (a) does not know and cannot admit the allegations in paragraph 32A; and

- (b) otherwise refers to and repeats paragraph 29A and the particulars subjoined thereto.

Dr Riemer's impugned acts under s 18C of the RDA

- 33. In response to paragraph 33, the First Respondent:
 - (a) admits that he published the post depicted at paragraph 33; and
 - (b) otherwise does not know and cannot admit the allegations in paragraph 33.
- 34. The First Respondent admits paragraph 34.
- 34A. The First Respondent objects to paragraph 34A on the grounds that:
 - (a) it is vague and embarrassing, including because the terms "at all relevant times", "influence" and "endorsed, emulated and/or followed by" are unclear, confusing and not defined in the FASOC; and
 - (b) it appears to plead conclusions of law.

Under cover of that objection, the First Respondent denies paragraph 34A.
- 35. The First Respondent admits paragraph 35.
- 36. The First Respondent admits paragraph 36.
- 37. The First Respondent admits paragraph 37.
- 38. The First Respondent does not know and cannot admit the allegations in paragraph 38.
- 39. The First Respondent does not know and cannot admit the allegations in paragraph 39.
- 40. The First Respondent denies paragraph 40 and says further that:
 - (a) nowhere in his referenced conduct are Jewish people or Israeli people mentioned or referred to; and
 - (b) he expressly rejects the Applicants' conflation of opposition to or resistance against the State of Israel with action against Jewish or Israeli people.
- 41. The First Respondent admits paragraph 41.
- 42. The First Respondent admits paragraph 42.
- 43. The First Respondent denies paragraph 43 and says further that:
 - (a) nowhere in the 8 October Post are Jewish people, Israeli people or Hamas mentioned or referred to;
 - (b) in writing the 8 October Post, he intentionally used the words "publicly condemn" to distinguish public from private criticism, and he intended to convey his opinion that supporters of the Palestinian people outside Palestine should not feel

compelled to express public condemnation of the legitimacy of specific acts of resistance.

44. In response to paragraph 44, the First Respondent admits that he reposted the tweet but does not know when.
45. The First Respondent denies paragraph 45 and says further the 42,000 views refer to the views of the original post, not views of his repost.
46. In response to paragraph 46, the First Respondent:
 - (a) does not know and cannot admit the basis on which the post proceeded;
 - (b) otherwise denies paragraph 46; and
 - (c) says further that:
 - i. Sara Saleh is a poet, writer and lawyer of Palestinian, Egyptian and Lebanese heritage;
 - ii. reposting a tweet does not necessarily constitute endorsement, and may be a way of provoking conversation, amplifying voices, or sharing perspectives beside one's own;
 - iii. he does not consider and has never considered:
 1. Jewish people to be a monolith;
 2. "Zionist" to be synonymous or interchangeable with "Jewish" or "Israeli"; or
 3. "Zionism" to be synonymous or interchangeable with Jewishness, Judaism or Israeli nationality or citizenship; and
 - iv. he considers that an assumption that people are 'Zionists by virtue of being Jewish and/or Israeli' is false, dangerous to Jewish people, and a root cause of antisemitism.
47. The First Respondent denies paragraph 47.

Dr Riemer's Overland article published on 15 October 2023

48. The First Respondent admits paragraph 48.
49. The First Respondent admits paragraph 49.
50. The First Respondent admits the substance of paragraph 50 but clarifies the wording as follows:

Nick Riemer works in the English and Writing and Linguistics departments at the University of Sydney. He is currently academic vice-president of the Sydney University branch of the National Tertiary Education Union...

51. Save that he says that the extracts are quoted out of order and consequently his article is misrepresented, the First Respondent admits paragraph 51.
52. The First Respondent denies paragraph 52 and says further that:
- (a) nowhere in the extracts at paragraph 51 are Jewish people or Israeli people mentioned or referred to;
 - (b) nowhere in the 15 October 2023 Overland article (**Overland article**) do the words 'Jew' or 'Jewish' appear;
 - (c) there is one single reference to Israeli persons in the Overland article, as follows:
'Life is intrinsically valuable, whatever creed it espouses or flag it is draped in. All bloodshed is tragic and most is criminal. But if we accept this principle, then a simple reality imposes itself: for generations, the value of life has been violated for Palestinians exponentially, overwhelmingly more than for Israelis'; and
 - (d) he expressly rejects the Applicants' conflation of Jewishness with Zionism.
53. The First Respondent denies paragraph 53 and says further that:
- (a) nowhere in the extracts at paragraph 51 are Jewish people or Israeli people mentioned or referred to;
 - (b) nowhere in the Overland article do the words 'Jew' or 'Jewish' appear; and
 - (c) there is one single reference to Israeli persons in the Overland article, as follows:
'Life is intrinsically valuable, whatever creed it espouses or flag it is draped in. All bloodshed is tragic and most is criminal. But if we accept this principle, then a simple reality imposes itself: for generations, the value of life has been violated for Palestinians exponentially, overwhelmingly more than for Israelis'; and
 - (d) he expressly rejects the Applicants' conflation of Jewishness with Zionism.

The Saturday Paper "Owned By Zionists" Repost

54. Save that the image reproduced at paragraph 54 is a blurry photograph of a computer screen, the First Respondent:
- (a) admits that he reposted the post by Amy McQuire which is partially legible in the image; but
 - (b) does not know and cannot admit whether he reposted the post on 28 October 2023 or on another date.
55. The First Respondent denies paragraph 55 and says further that the 102,000 views refer to the views of the original post, not views of his repost.

56. The First Respondent denies paragraph 56 and says further that he expressly rejects the Applicants' conflation of Jewishness with Zionism.
57. The First Respondent denies paragraph 57 and says further that Morry Schwartz, the proprietor of Schwartz Media which publishes The Saturday Paper, is a Zionist as defined at paragraph 10 of the FASOC.

The “No room for Zionism in our Unions” Speech and Posts

58. The First Respondent admits paragraph 58.
- 58A. The First Respondent admits paragraph 58A.
59. The First Respondent admits paragraph 59.
60. The First Respondent:
 - (a) denies paragraph 60;
 - (b) refers to and repeats paragraph 46(c)(iii) and (iv) above;
 - (c) says further that nowhere in the extracts at paragraph 58 or the annexure at page 41 are Jewish people, Israeli people or Zionists mentioned or referred to; and
 - (d) expressly rejects the Applicants' conflation of Jewishness with Zionism and their conflation of Zionist ideology with Zionists as people.

The Lattouf sacking Post

61. The First Respondent admits paragraph 61.
62. The First Respondent admits paragraph 62.
63. The First Respondent:
 - (a) denies paragraph 63;
 - (b) refers to and repeats paragraph 46(c)(iii) and (iv) above;
 - (c) says further that nowhere in the post at paragraph 61 are Jewish people or Israeli people mentioned or referred to; and
 - (d) expressly rejects the Applicants' conflation of Jewishness with Zionism.

The Zionists are racists Post

64. The First Respondent admits paragraph 64.
65. The First Respondent denies paragraph 65 and says that the alleged view numbers relate to the original posts by Dr Abdel-Fattah and Mondoweiss, respectively, and not to views of the First Respondent's reposts.
66. The First Respondent:

- (a) denies paragraph 66;
- (b) refers to and repeats paragraph 46(c)(iii) and (iv) above;
- (c) says further that nowhere in the post at paragraph 64 are Jewish people or Israeli people mentioned or referred to; and
- (d) expressly rejects the Applicants' conflation of Jewishness with Zionism.

The Zionists smartwash Repost

- 67. The First Respondent admits paragraph 67.
- 68. The First Respondent denies paragraph 68 and further says that the 915 views refer to the views on the original post, not views of his repost.
- 69. The First Respondent objects to this paragraph on the basis that it is vague and embarrassing, including because the term "atrocities committed by Israel" is not defined. Under cover of that objection, the First Respondent:
 - (a) denies paragraph 69;
 - (b) refers to and repeats paragraph 46(c)(iii) and (iv) above;
 - (c) says further that nowhere in the repost at paragraph 67 are Jewish people or Israeli people mentioned or referred to; and
 - (d) expressly rejects the Applicants' conflation of Jewishness with Zionism.

The Zionists' Licence to Lie and Slander Post

- 70. The First Respondent admits paragraph 70.
- 71. The First Respondent admits paragraph 71.
- 72. The First Respondent objects to this paragraph on the basis that it is vague and embarrassing, including because the term "pursuing their causes" is not defined. Under cover of that objection, the First Respondent:
 - (a) denies paragraph 72;
 - (b) refers to and repeats paragraph 46(c)(iii) and (iv) above;
 - (c) says further that nowhere in the post at paragraph 70 are Jewish people or Israeli people mentioned or referred to; and
 - (d) expressly rejects the Applicants' conflation of Jewishness with Zionism.
- 73. The First Respondent:
 - (a) denies paragraph 73;
 - (b) refers to and repeats paragraph 46(c)(iii) and (iv) above; and

- (c) says further that nowhere in the post at paragraph 70 are Jewish people or Israeli people mentioned or referred to.

The Zionists support genocide Repost

74. The First Respondent admits paragraph 74.
75. The First Respondent denies paragraph 75 and further says that the 68,000 views refer to the original post, not views of his repost.
76. The First Respondent:
- (a) admits that the post by Lana Tatour which he reposted on 5 March 2024:
 - i. contains the statement that Zionists support genocide; and
 - ii. carries the imputation that complaints by Zionists about their safety on campus are therefore hypocritical;
 - (b) otherwise denies paragraph 76;
 - (c) refers to and repeats paragraph 46(c)(iii) and (iv) above;
 - (d) says further that nowhere in the post at paragraph 74 are Jewish people or Israeli people mentioned or referred to; and
 - (e) expressly rejects the Applicants' conflation of Jewishness with Zionism.

The genocide enablers Post

77. The First Respondent admits paragraph 77.
78. The First Respondent:
- (a) denies paragraph 78;
 - (b) refers to and repeats paragraph 46(c)(iii) and (iv) above;
 - (c) says further that nowhere in the post at paragraph 77 are Jewish people or Israeli people mentioned or referred to;
 - (d) expressly rejects the Applicants' conflation of Jewishness with Zionism; and
 - (e) says further that the principles of academic boycott expressly permit and encourage collaboration between individual academics while boycotting Israeli academic institutions.

The akin to Nazis Repost

79. The First Respondent admits paragraph 79.
80. The First Respondent denies paragraph 80 and further says that the 2,412 views refer to the original post, not views of his repost.

81. The First Respondent:

- (a) denies paragraph 81;
- (b) refers to and repeats paragraph 46(c)(iii) and (iv) above;
- (c) says further that nowhere in the post at paragraph 79 are Jewish people or Israeli people mentioned or referred to; and
- (d) expressly rejects the Applicants' conflation of Jewishness with Zionism.

The Genocide Post and Speech

82. Save that the word "single" in the first line of the quoted extract should be "safe", the First Respondent admits paragraph 82.

82A. The First Respondent admits paragraph 82A.

83. Save that he denies that the whole post has at all times remained accessible, the First Respondent admits paragraph 83.

84. The First Respondent:

- (a) denies paragraph 84;
- (b) refers to and repeats paragraphs 46(c)(iii) and (iv) above;
- (c) says further that nowhere in the post and speech at paragraph 82 are Jewish people or Israeli people mentioned or referred to; and
- (d) expressly rejects the Applicants' conflation of Jewishness with Zionism.

Contravention of s 18C – Dr Riemer

85. Subject to the qualifications in paragraphs 33, 38, 39, 44, 45, 54, 55, 65, 68, 75 and 80, the First Respondent admits paragraph 85.

86. The First Respondent denies paragraph 86.

87. [Removed.]

88. The First Respondent denies paragraph 88 and says further in response to paragraph 88(a) that:

- (a) as an ideology of Jewish nationalism, Zionism is open to political discussion and criticism, including on grounds concerning the rights of Palestinians;
- (b) if it is correct (which he does not admit) that "most, but not all Jewish Australians" regard Zionism as "a core part of their Jewish identity", that does not mean that anti-Zionists are hostile to that majority of Jews on account of their Jewishness; only that they hold a negative view of a political ideology with which the majority of Jews have chosen to identify;

(c) a contestable political question does not lose its political character upon a large proportion of a particular confessional group taking one side of the issue and feeling that it is closely associated with their religious identity;

(d) disparagement of Zionism cannot be hostile or prejudicial towards Jews as Jews when it is only some Jews who support the ideology, with whatever degree of fervour.

89. The First Respondent denies paragraph 89.

Dr Riemer's Overland article and No Room for Zionism in our Unions Speech and Post – Vicarious liability of Sydney University

90. The First Respondent admits paragraph 90.

91. The First Respondent does not plead to paragraph 91 as it makes no allegation against him.

92. The First Respondent denies paragraph 92.

93. The First Respondent does not plead to paragraph 93 as it makes no allegation against him.

94. The First Respondent denies that the Overland article and the No Room for Zionism in our unions speech and posts constituted unlawful discrimination. He otherwise does not plead to paragraph 94 as it contains no further allegation against him.

Complaint to the Australian Human Rights Commission

95. The First Respondent admits paragraph 95.

96. Save that he does not plead to the particulars of any allegation in the FASOC, for the purpose of establishing the jurisdiction of this Court pursuant to section 46PO(3) of the *Australian Human Rights Commission Act 1986* (Cth), the First Respondent admits that the material facts pleaded are the same or the same in substance as the unlawful discrimination alleged in the AHRC Complaint. He otherwise does not admit paragraph 96.

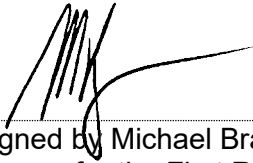
97. The First Respondent admits paragraph 97.

98. The First Respondent denies paragraph 98.

Defence

99. Should any of the First Respondent's conduct be found to contravene section 18C(1) of the *Racial Discrimination Act 1975* (Cth), he relies on section 18D(b) and (c) as a complete defence.

Date: 21 August 2026



Signed by Michael Bradley
Lawyer for the First Respondent

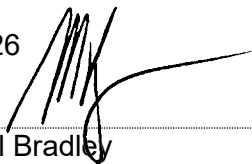
This pleading was prepared by Jessie Taylor and Laila Hamzi of counsel

Certificate of lawyer

I Michael Bradley certify to the Court that, in relation to the defence filed on behalf of the First Respondent, the factual and legal material available to me at present provides a proper basis for:

- (a) each allegation in the pleading; and
- (b) each denial in the pleading; and
- (c) each non admission in the pleading.

Date: 21 August 2026



Signed by Michael Bradley
Lawyer for the First Respondent